

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RIVIERA FINANCE OF TEXAS, INC.,

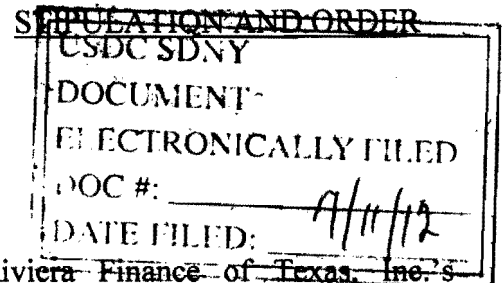
Plaintiff,

-against-

CAPGEMINI U.S. LLC,

Defendant.

10 Civ. 5489 (VM)



WHEREAS, the Court granted plaintiff Riviera Finance of Texas, Inc.'s ("Riviera") motion for summary judgment against defendant Capgemini U.S. LLC ("Capgemini") and denied Capgemini's motion for summary judgment in a Memorandum and Order dated and filed March 30, 2012 (the "Decision") (Docket No. 23);

WHEREAS, the Clerk entered judgment in favor of Riviera and against Capgemini in the amount of \$442,855.42 on March 30, 2012 (the "Judgment") (Docket No. 24);

WHEREAS, Capgemini timely filed its Notice of Appeal from the Judgment on April 19, 2012 (Docket No. 26), and the Clerk duly forwarded the appeal record to the U.S. Court of Appeals for the Second Circuit on April 19, 2012;

WHEREAS, the appeal record, which is otherwise complete, does not include two letter briefs, with evidentiary exhibits, that counsel for Capgemini filed with the Court, which were considered by the Court in rendering its Decision, and that therefore are relevant to the pending appeal: The first is Capgemini's initial letter brief representing its motion for summary judgment, with attached evidentiary exhibits, dated August 26, 2011 and submitted to and filed with the Court on that date, pursuant to the Court's Order at the Status Teleconference held on July 26, 2012 (a copy of the letter brief, with exhibits, is attached hereto as Exhibit A); and the second letter brief is dated October 18, 2011 and was submitted to and filed with the Court on

that date, pursuant to the Court's Order dated October 7, 2011 (Docket No. 20) (annexed hereto as Exhibit B and, together with Exhibit A, the "Capgemini Letter Briefs"); and

WHEREAS, the undersigned counsel for Riviera and Capgemini agree that the Capgemini Letter Briefs, with exhibits, should be included in the appeal record;

NOW, IT IS HEREBY ORDERED that the Clerk of the U.S. District Court for the Southern District of New York shall file the Capgemini Letter Briefs, with exhibits, or permit counsel for Capgemini to file the Capgemini Letter Briefs, with exhibits, on the electronic docket for this case; and it is further

ORDERED that after the filing of the Capgemini Letter Briefs, the Clerk of the U.S. District Court for the Southern District of New York shall transmit the Capgemini Letter Briefs, with exhibits, as a supplemental index to the U.S. Court of Appeals for the Second Circuit for inclusion in the appeal record.

Dated: July 10, 2012

STERNS & WEINROTH, P.C.

SULLIVAN & WORCESTER LLP

By: /s/ Michael A. Spero

Michael A. Spero  
50 West State Street, Suite 1400  
P.O. Box 1298  
Trenton, NJ 08607  
Telephone: (609) 392-2100

By: /s/ Gerald D. Silver

Gerald D. Silver  
1633 Broadway, 32nd Floor  
New York, New York 10019  
Telephone: (212) 660-3096

*Attorneys for plaintiff Riviera Finance of  
Texas, Inc.*

*Attorneys for defendant Capgemini U.S. LLC*

SO ORDERED this 11<sup>th</sup> day of July 2012.

  
Hon. Victor Marrero, USDJ